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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/776,560	02/11/2004	Franck Abelard	PF030038	2786
JOSEPH S. TRIPOLI THOMSON LICENSING INC. 2 INDEPENDENCE WAY P.O. BOX 5312 PRINCETON, NJ 08543-5312			EXAMINER	
			BROWN, CHRISTOPHER J	
			ART UNIT	PAPER NUMBER
			2439	
			MAIL DATE	DELIVERY MODE
			06/12/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)	
	10/776,560	ABELARD ET AL.	
Office Action Summary	Examiner	Art Unit	
	CHRISTOPHER J. BROWN	2439	
The MAILING DATE of this communication ap Period for Reply	pears on the cover sheet with the c	correspondence address	
A SHORTENED STATUTORY PERIOD FOR REPL WHICHEVER IS LONGER, FROM THE MAILING D. - Extensions of time may be available under the provisions of 37 CFR 1. after SIX (6) MONTHS from the mailing date of this communication. - If NO period for reply is specified above, the maximum statutory period. - Failure to reply within the set or extended period for reply will, by statut Any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b).	DATE OF THIS COMMUNICATION 136(a). In no event, however, may a reply be tirwill apply and will expire SIX (6) MONTHS from e, cause the application to become ABANDONE	N. nely filed the mailing date of this communication. D (35 U.S.C. § 133).	
Status			
Responsive to communication(s) filed on <u>5/5/</u> This action is FINAL . 2b) ☑ This action is application is in condition for allower closed in accordance with the practice under	s action is non-final. ance except for formal matters, pro		
Disposition of Claims			
4) ☐ Claim(s) 1,3,4,14 and 15 is/are pending in the 4a) Of the above claim(s) is/are withdra 5) ☐ Claim(s) is/are allowed. 6) ☐ Claim(s) 1,3,4,14 and 15 is/are rejected. 7) ☐ Claim(s) is/are objected to. 8) ☐ Claim(s) are subject to restriction and/or is/are objected.	awn from consideration.		
Application Papers			
9) The specification is objected to by the Examina 10) The drawing(s) filed on is/are: a) acceptable and applicant may not request that any objection to the Replacement drawing sheet(s) including the correct the option of the specific and	cepted or b) objected to by the drawing(s) be held in abeyance. Section is required if the drawing(s) is ob	e 37 CFR 1.85(a). jected to. See 37 CFR 1.121(d).	
Priority under 35 U.S.C. § 119			
12) Acknowledgment is made of a claim for foreign a) All b) Some * c) None of: 1. Certified copies of the priority document 2. Certified copies of the priority document 3. Copies of the certified copies of the priority document application from the International Bureat* * See the attached detailed Office action for a list.	nts have been received. Its have been received in Applicationity documents have been received au (PCT Rule 17.2(a)).	ion No ed in this National Stage	
Attachment(s) 1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date	4) Interview Summary Paper No(s)/Mail D: 5) Notice of Informal F 6) Other:	ate	

DETAILED ACTION

The Request for Continued Examination has been accepted and entered.

Response to Arguments

Applicant argues storing in a table only control packets containing a descrambling key which has a changed value.

Examiner argues that Unger does teach storing in a table only control packets (ECM packets) containing a descrambing key. The examiner argues it is well known in the art that each key is different, but has included Chen US 2004/0083177 to explicitly illustrate this point.

Applicants other arguments are moot, as further references have been removed from the rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claim 1, 3-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Unger US 2004/0062398 in view of Chen US 2004/0083177

As per claim 1, Unger teaches recording scrambled digital data comprising the steps consisting of receiving a scrambled digital data stream [0022]. Unger teaches identifying in said data stream a control packet containing at least one key for descrambling at least a part of the data of the stream (ECM) [0022]. Unger teaches storing said control packet in a table (keys stored in a table) [0024]. Unger teaches recording the data stream and the table on a data storage medium (content stored in content store) [0019]. Unger teaches the data stream received in step comprises a plurality of control packets containing at least one descrambling key, wherein the storage step is carried out only if the control packet identified in step is not already stored in said table (multiple packets have ECM and all are different with respect to a function of time or packet number) [0022], [0026].

Unger does not explicitly state that the encryption keys are of different values.

Chen teaches a series of ECM messages to encrypt a stream of data, where each key included in an ECM message is a different value key [0051], and may be stored [0050], [0051], [0053].

It would have been obvious to one of ordinary skill in the art to use keys that are all different in the system of Chen with the encryption system of Unger because it is well known and further enhances the security of the encrypted stream.

As per claim 3, Unger teaches an index indicating the position of the control packet in the data stream is moreover stored in the table (ECM as a function of time or as a function of packets received) [0025], [0026].

As per claims 4, and 5 Unger teaches the index comprises a serial number of the control packet with respect to the first packet of the data stream recorded (packet # or time index) [0025], [0026] Fig 3.

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As per claim 14 Unger teaches storing step further comprises forming said table of keys in a sequence related to scrambling changes in the received stream (Fig 3).

As per claim 15 Unger teaches storing keys [0024].

Chen teaches the keys are non-duplicate values [0051].

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHRISTOPHER J. BROWN whose telephone number is (571)272-3833. The examiner can normally be reached on 8:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kambiz Zand can be reached on (571)272-3811. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Art Unit: 2439

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Christopher J Brown/ Primary Examiner, Art Unit 2439 6/10/09